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| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence during pendency of filed application)</i> |   | Application Number     | 09/484,548        |
|                                                                                                            |   | Filing Date            | June 18, 2000     |
|                                                                                                            |   | First Named Inventor   | Jules Gauthier    |
|                                                                                                            |   | Group Art Unit Number  | 3738              |
|                                                                                                            |   | Examiner Name          | David J. Isabella |
| Total Number of Pages in This Submission                                                                   | 7 | Attorney Docket Number | 23488-09172       |

| ENCLOSURES (check all that apply)                                                                                                            |                                                                                               |
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| SIGNATURE OF ATTORNEY OR AGENT |                                 |        |         |
|--------------------------------|---------------------------------|--------|---------|
| Signature:                     | <i>A.C. Smith</i>               |        |         |
| Attorney/Reg. No.:             | Albert C. Smith/Reg. No. 20,355 | Dated: | 7/25/05 |

| CERTIFICATE OF MAILING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                   |        |         |
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| Typed or Printed Name:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Albert C. Smith   | Dated: | 7/25/05 |
| Express Mail Mailing Number (optional):                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                   |        |         |





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jules Gauthier et al.

APPLICATION NO.: 09/484,548

FILING DATE: June 18, 2000

TITLE: Microwave Ablation Instrument With Flexible Antenna Assembly  
And Method

EXAMINER: David J. Isabella

GROUP ART UNIT: 3738

ATTY. DKT. NO.: 23488-09172

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 7/25/05 By: A.C. Smith  
Albert C. Smith, Reg. No.: 20,355

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**INFORMATION DISCLOSURE STATEMENT**

**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;

**PATENT**

- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
  - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☒ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - ☒ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
    - ☒ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained

in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- ☒ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. \_\_\_\_\_, filed on \_\_\_\_\_, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ This application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirements under 37 CFR 1.98(a)(2)(i), copies of each U.S. Patent and each U.S. Patent Application Publication are not required to be submitted. Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☐ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
JULES GAUTHIER ET AL.

Dated: 7/25/05

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| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |                   |    |   | <b>Substitute for form 1449A/PTO</b> |                |
|                                                          |                   |    |   | <b>Complete if Known</b>             |                |
|                                                          |                   |    |   | Application No.                      | 09/484,548     |
|                                                          |                   |    |   | Filing Date                          | June 18, 2000  |
|                                                          |                   |    |   | First Named Inventor                 | Jules Gauthier |
|                                                          |                   |    |   | Art Unit                             | 3738           |
| Examiner Name                                            | David J. Isabella |    |   |                                      |                |
| Attorney Docket Number                                   | 23488-09172       |    |   |                                      |                |
| Sheet                                                    | 1                 | of | 1 |                                      |                |

| U.S. PATENT DOCUMENTS    |                       |                                                                                                                 |                                |                                                    |                |
|--------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Document No.<br>Number – Kind Code <sup>2</sup> (if known)                                                      | Date<br>MM-DD-YYYY             | Name of Patentee or<br>Applicant of Cited Document |                |
|                          |                       | US-5,207,672                                                                                                    | 05-1993                        | Roth et al.                                        |                |
|                          |                       | US-5,454,807                                                                                                    | 10-1995                        | Lennox et al.                                      |                |
|                          |                       | US-5,593,404                                                                                                    | 01-1997                        | Costello et al.                                    |                |
|                          |                       | US-5,741,249                                                                                                    | 04-1998                        | Moss et al.                                        |                |
|                          |                       | US-6,306,124                                                                                                    | 10-2001                        | Jones et al.                                       |                |
|                          |                       |                                                                                                                 |                                |                                                    |                |
| FOREIGN PATENT DOCUMENTS |                       |                                                                                                                 |                                |                                                    |                |
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> – Number <sup>4</sup><br>Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | T <sup>6</sup> |
|                          |                       |                                                                                                                 |                                |                                                    |                |
|                          |                       |                                                                                                                 |                                |                                                    |                |
|                          |                       |                                                                                                                 |                                |                                                    |                |

| OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS |                       |                                                                                                                                                                                                                                                                |                |
|----------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Examiner Initials*                                 | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T <sup>6</sup> |
|                                                    |                       |                                                                                                                                                                                                                                                                |                |
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| Examiner Signature |  | Date Considered |  |
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.  
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.